

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 18-49904

JOSE A. ORTIZ,  
and  
CHRISTINE GIOUTSOS,

Chapter 13

Judge Thomas J. Tucker

Debtors.

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**ORDER DENYING, WITHOUT PREJUDICE, MOTION TO EXCUSE JOINT  
DEBTOR'S REQUIREMENT TO FILE CERTIFICATION REGARDING DOMESTIC  
SUPPORT OBLIGATIONS AND TO COMPLETE A COURSE ON PERSONAL  
FINANCIAL MANAGEMENT**

This case is before the Court on the motion, filed September 28, 2023, entitled “Motion to Excuse Joint Debtor’s Requirement to File Certification Regarding Domestic Support Obligations and to Complete a Course on Personal Financial Manag[e]ment” (Docket # 77, the “Motion”). The Motion seeks an order excusing the Joint Debtor, Christine Gioutsos, “from the requirement to file the certification regarding domestic support obligation and complete a course on personal financial management.” (*Id.*) The Motion states that the “Joint Debtor, Christine Gioutsos, passed away on February 16, 2020.” (*Id.* at 1 ¶ 3; *see also* Ex. A to Mot. (Certificate of Death of Christine Gioutsos).)

The Motion must be denied, because it was not filed by or on behalf of anyone with standing to seek the relief sought (*e.g.*, the Motion does not allege or demonstrate that the surviving spouse, Debtor Jose A. Ortiz, is the personal representative of the estate of the deceased Joint Debtor Christine Gioutsos).

The Motion was purportedly filed by the Debtor and the Joint Debtor Christine Gioutsos. But the Joint Debtor Christine Gioutsos is deceased, so the Motion could not have been filed by her. And the Motion does not show that the Debtor Jose A. Ortiz or his attorney has standing or authority to file a motion on behalf of the deceased Joint Debtor.

Only a personal representative duly appointed by the probate court under the laws of the State of Michigan may file a motion seeking relief on behalf of the deceased Joint Debtor, Christine Gioutsos. *See In re Beach*, No. 20-47886, 2022 WL 1446748 (Bankr. E.D. Mich. May 6, 2022); *In re Pack*, 634 B.R. 738, 739 (Bankr. E.D. Mich. 2021); *In re Hamilton*, 274 B.R. 266, 267 (W.D. Tex. 2001) (citing *In re Lucio*, 251 B.R. 705, 708-09 (Bankr. W.D. Tex. 2000)) (“[W]hen a debtor dies, the only person who can then appear on the debtor’s behalf is the person so named as the official representative of the probate estate of the debtor.”); Mich. Comp. Laws Ann. § 700.3103 (stating, in relevant part, that “[e]xcept as otherwise provided in article IV, to

acquire the powers and undertake the duties and liabilities of a decedent's personal representative, a person must be appointed by the register or by court order, must qualify, and must be issued letters"); Mich. Comp. Laws Ann. § 700.3703(3) (stating that "[e]xcept as to a proceeding that does not survive the decedent's death, a personal representative of a decedent domiciled in this state at death has the same standing to sue and be sued in the courts of this state and the courts of another jurisdiction as the decedent had immediately prior to death").

The Motion does not allege or demonstrate that Jose A. Ortiz is the personal representative of the deceased Joint Debtor Christine Gioutsos.

For these reasons,

IT IS ORDERED that the Motion (Docket # 77) is denied.

IT IS FURTHER ORDERED that this Order is without prejudice to the right of a duly appointed personal representative of the deceased Joint Debtor to file a motion seeking the same relief that was sought by the present Motion. The Court expresses no view, at this time, about the merits of any such potential future motion.

**Signed on October 18, 2023**



**/s/ Thomas J. Tucker**

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**Thomas J. Tucker**  
**United States Bankruptcy Judge**